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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**  
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10 JAMES EDWARD HOLMES,

11 Plaintiff,

12 v.

13 SAN FRANCISCO POLICE  
14 DEPARTMENT, JOSHUA ESPONZA,  
15 EITHINE CUMMINS, RALPH KUGER,  
16 KEN KIKUCHI, ERIK LEUNG, PHILLIP  
17 FRENKEL, PARMIJIT KAUR, ERIC  
VALENTINE and DOES 1-50,

Defendants.

Case No. 14-cv-00584 NC

**ORDER DISMISSING  
DEFENDANTS CUMMINS AND  
KUGER WITHOUT PREJUDICE**

18 The Court previously ordered plaintiff to provide information about the status of  
19 service on defendants Eithine Cummins and Ralph Kuger and to show cause why this  
20 action should not be dismissed against those defendants under Federal Rule of Civil  
21 Procedure 4(m). Dkt. Nos. 62; 73. On November 21, 2014, plaintiff filed a status report  
22 stating that he has decided not to pursue these defendants in this action and, therefore, has  
23 terminated efforts to have them served. Dkt. No. 74. Accordingly, the Court dismisses  
24 defendants Eithine Cummins and Ralph Kuger from this action without prejudice.

25 IT IS SO ORDERED.

26 Date: November 24, 2014

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Nathanael M. Cousins  
United States Magistrate Judge  
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Case No. 14-cv-00584 NC  
ORDER OF DISMISSAL  
WITHOUT PREJUDICE